

REMARKS

Claims 1, 3, 5, 7, 9, 11, 13, 15, 17 and 19 are pending in this application. By this Amendment, claims 1 and 19 are amended. Claims 2, 4, 6, 8, 10, 12, 14, 16 and 18 are canceled without prejudice to, or disclaimer of, the subject matter therein. The amendment to claims 1 and 19 is supported by the description, for example, in page 15, lines 20-26 in the specification, and no new matter is added.

In section 2 on pages 2-3, the Office Action objects to the drawings under 37 C.F.R. §1.83(a). In response to this objection, new Fig. 3 is added. The subject matter shown in the Drawings is described in the specification, for example, page 15, line 2–page 16, line 26, page 21, line 18–page 22, line 1, and Table 1, and therefore do not involve new matter.

In section 3 on page 3, the Office Action objects to the disclosure for the reason specified therein.

Regarding this objection to the specification, Applicants note that Fig. 3 shows the volume resistivity of the insulating layer is varied in a shape of a concentric circle in a plane. Further, it is described in detail in page 6, lines 3-15 of the specification that the volume resistivity of the insulating layer is varied in the shape of the concentric circle in a plane.

Still further, as described in page 3, lines 6-10 of the specification, the electrostatic adsorption power will get strong if the volume resistivity of the insulating layer gets low, and therefore when the volume resistivity is varied in the plane of the insulating layer, an electrostatic adsorption is accordingly varied. If the distribution of the volume resistivity in the plane is controlled, the distribution of the electrostatic adsorption power can be accordingly controlled. For example, as shown in page 15, lines 20-26 of the specification, if the dope gas is supplied from a nozzle directed to the center part of the substrate when the insulating layer is deposited by a CVD method, a volume resistivity in the plane of the

insulating layer can be varied to become low at a center part and to become high at a peripheral part in the shape of a concentric circle.

The amendment to the specification merely consists of the addition of reference characters from new Fig. 3 corresponding to written description of the invention contained in the specification as originally filed. Thus, it is respectfully submitted that, clearly, no new matter has been added to the written description of the invention. Further, new Fig. 3 shows only that which was previously described in the written description of the invention. Therefore, the addition of Fig. 3 is proper, and does not constitute the addition of new matter to the specification.

For at least the foregoing reasons, it is respectfully requested that the objection to the disclosure specified in section 3 of the Office Action be withdrawn.

In section 5 on page 4, the Office Action provisionally rejects claims 1-19 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 5, 6, 8, 10, 12, 13 and 15 of copending application no. 10/465,324. This rejection is respectfully traversed.

Amended claim 1 recites, "A heating apparatus which has an electrostatic adsorption function and which comprises at least a supporting substrate, an electrode for electrostatic adsorption formed on a surface of one side of the supporting substrate, a heating layer formed on a surface of the other side of the supporting substrate, and an insulating layer formed so that it may cover the electrode for electrostatic adsorption and the heating layer wherein a volume resistivity of the insulating layer is varied in a shape of a concentric circle in a plane."

Similarly, amended claim 19 recites, "A method for producing a heating apparatus which has an electrostatic adsorption function by forming at least an electrode for electrostatic adsorption and a heating layer on a supporting substrate and then forming an insulating layer so that it may cover the electrode for electrostatic adsorption and the heating

layer wherein the insulating layer is formed so that a volume resistivity may be varied in a shape of a concentric circle in the insulating layer".

On the other hand, the recited feature in the pending claims of, "A heating apparatus where a volume resistivity of the insulating layer is varied in a shape of a concentric circle in a plane, or a method for producing the heating apparatus thereof" is not described at all in copending Application No. 10/465,324.

Accordingly the subject matter of the pending claims is associated with a patentably distinct invention than the claimed subject matter from Application No. 10/465,324.

For at least the foregoing reasons, it is respectfully submitted that the subject matter claimed in the present application should not be subject to an obviousness-type double patenting rejection over claims 1, 3, 5, 6, 8, 10, 12, 13 and 15 of Application No. 10/465,324. For at least the foregoing reasons, it is respectfully requested that the provisional rejection specified in section 5 of the Office Action be withdrawn.

In section 7 on page 5, the Office Action rejects claims 1-19 under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is respectfully traversed.

The subject matter specified in the Office Action giving rise to this rejection is the same subject matter specified in the Office Action giving rise to the objections to the drawings and the specification. For at least the reasons stated above in connection with those objections, it is also respectfully submitted that the pending claims are definite as required by 35 U.S.C. §112, second paragraph. Further, claims 1 and 19, from which the other pending claims depend, are amended to recite that the volume resistivity is varied in a shape of a concentric circle. It is respectfully submitted that this additional language in the claims further clarifies the subject matter which the Applicants regard as the invention.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1-19 as being indefinite be withdrawn.

In section 9 on pages 5-6, the Office Action rejects claims 1-4 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,748,436 to Honma. This rejection is respectfully traversed.

Honma does not describe at all the feature of amended claim 1 as above described, that is, "a volume resistivity of the insulating layer is varied in a shape of a concentric circle in a plane".

Claims 2 and 4 are canceled without prejudice to, or disclaimer of, the subject matter therein. Claim 3 is allowable based at least on its dependence from claim 1 for the reasons stated above in connection with claim 1.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1-4 as being anticipated by Honma be withdrawn.

In section 11 on pages 6-7, the Office Action rejects claims 5-19 under 35 U.S.C. §103(a) as being unpatentable over Honma in view of JP 2001/015251A to Kano. This rejection is respectfully traversed.

Kano fails to overcome the deficiencies described above regarding Honma with respect to claim 1. Therefore, claims 5, 7, 9, 11, 13, 15 and 17 are allowable based at least on their dependence from claim 1. Claims 6, 8, 10, 12, 14, 16 and 18 are canceled without prejudice to, or disclaimer of, the subject matter therein.

Regarding claim 19, the claim recites "A method for producing a heating apparatus which has an electrostatic adsorption function by forming at least an electrode for electrostatic adsorption and a heating layer on a supporting substrate and then forming an insulating layer so that it may cover the electrode for electrostatic adsorption and the heating layer wherein the insulating layer is formed so that a volume resistivity may be varied in a shape of a concentric circle in the insulating layer." The feature of claim 19, that is, "the

insulating layer is formed so that a volume resistivity may be varied in a shape of a concentric circle in the insulating layer", is not disclosed at all in either Honma or Kano.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 5-19 as being unpatentable over Honma in view of Kano be withdrawn.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3, 5, 7, 9, 11, 13, 15, 17 and 19 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



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WPB:MRW/sqb

Attachment:

New Drawing Sheet

Date: December 30, 2004

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DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461
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Amendments to the Drawings:

The attached replacement drawing sheet adds Fig. 3.

Attachment: New Drawing Sheet